

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL-7136-7]

**National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent to delete the Lake Linden parcel and Operable Unit 2 of the Torch Lake Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency, (EPA) Region V is issuing a notice of intent to delete the Lake Linden parcel and Operable Unit 2 from the Torch Lake Superfund Site (Site) located in Houghton County, Michigan, from the National Priorities List (NPL) and requests public comments on this notice of intent to delete. Operable Unit 2 includes all submerged tailing, sediments, surface water and groundwater associated with the Torch Lake Superfund Site. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Michigan, through the Michigan Department of Environmental Quality, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund. In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final notice of deletion of the Lake Linden parcel and Operable Unit 2 of the Torch Lake Superfund Site without prior notice of intent to delete because we view this as a non-controversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final notice of deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action. If we receive timely adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on adverse comments received on this notice of intent to delete. We will not institute a second comment period on this notice of intent

to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

**DATES:** Comments concerning this Site must be received by March 7, 2002.**ADDRESSES:** Written comments should be addressed to: Stuart Hill, Community Involvement Coordinator, U.S. EPA (P-19J), 77 W. Jackson, Chicago, IL 60604, 312-886-0689 or 1-800-621-8431.**FOR FURTHER INFORMATION CONTACT:** Steven Padovani, Remedial Project Manager at (312) 353-6755, or Gladys Beard, State NPL Deletion Process Manager at (312) 886-7253 or 1-800-621-8431, Superfund Division, U.S. EPA (SR-6J), 77 W. Jackson, IL 60604.**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.**Information Repositories**

Repositories have been established to provide detailed information concerning this decision at the following address: EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353-5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; Lake Linden Public Library, 601 Calumet St., Lake Linden, MI 49945, (906) 296-0698, Monday through Friday 8:00 a.m. to 4:00 p.m., Tuesday and Thursday 6:00 p.m. to 8:00 p.m.; Portage Lake District Library, 105 Huron, Houghton, MI 49931 (906) 482-4570, Monday, Tuesday and Thursday 10:00 a.m. to 9:00 p.m., Wednesday and Friday 10:00 a.m. to 5:00 p.m. and Saturday 12:00 p.m. to 5:00 p.m.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: January 18, 2002.

**Gary V. Gulezian,**

*Acting Regional Administrator, Region V.*  
[FR Doc. 02-2508 Filed 2-4-02; 8:45 am]

**BILLING CODE 6560-50-P****FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 67**

[Docket No. FEMA-B-7424]

**Proposed Flood Elevation Determinations****AGENCY:** Federal Emergency Management Agency (FEMA).**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).**SUPPLEMENTARY INFORMATION:** FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management

requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

#### National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42

U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

#### Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

#### PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, § 67.4.

#### § 67.4 Proposed flood elevation determination.

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet. (NGDV)	
				Existing	Modified
Colorado .....	Boulder County (Unincorporated Areas).	Bullhead Gulch .....	At confluence with Boulder Creek .....	None	*4,991
			Approximately 50 feet downstream of Burlington Northern Railroad.	None	*5,360
	Boulder County (Unincorporated Areas).	Rock Creek .....	Approximately 3,500 feet downstream of Burlington Northern Railroad.	None	*5,371
			Approximately 9,700 feet upstream of McCaslin Boulevard.	None	*5,639
	Boulder County (Unincorporated Areas).	Prince Tributary East Branch.	At confluence with Bullhead Gulch .....	None	*5,026
	Boulder County, Town of Superior and City of Louisville.	Coal Creek .....	At divergence of East/West branches .....	None	*5,056
			Approximately 1,650 feet downstream of Denver Boulder Turnpike.	*5,439	*5,439
	Boulder County (Unincorporated Areas).	Prince Tributary West Branch.	Approximately 5,200 feet upstream of Community Ditch Diversion.	None	*5,689
			At confluence with Bullhead Gulch .....	None	*5,036
			Approximately 5,750 feet upstream of Isabelle Road.	None	*5,178

Depth in feet above ground

Boulder County and Unincorporated Areas:

Maps are available for inspection at Department of Public Works, 1739 Broadway, Suite 300, P.O. Box 791, Boulder, Colorado.

Send comments to the Honorable Ron Stewart, Chairman, Boulder County Board, 1325 Pearl Street, Boulder, Colorado 80302.

City of Louisville, Colorado:

Maps are available for inspection at the City of Louisville, 749 Main Street, Louisville, Colorado.

Send comments to the Honorable Tom Davidson, Mayor, City of Louisville, 49 Main Street, Louisville, Colorado 80027.

Town of Superior, Colorado:

Maps are available for inspection at the Town of Superior, 124 East Coal Creek Drive, Superior, Colorado.

Send comments to the Honorable Ted Asti, Mayor, Town of Superior, 124 East Coal Creek Drive, Superior, Colorado 80027.

Hawaii .....	Kauai County .....	Hanalei River .....	Approximately 1,300 feet upstream of the confluence with Hanalei Bay.	*13	*12
			At Kuhio Highway (state route 56) .....	*15	*16
			Approximately 6,000 feet upstream of the southern end of USFWSs Pond D.	*35	*38

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet. (NGDV)	
				Existing	Modified

Depth in feet above ground

Maps are available for inspection at the Department of Public Works, 4444 Rice Street, Suite 175, Lihue, Hawaii.

Send comments to the Honorable Maryann Kusaka, Mayor, Kauai County, 4444 Rice Street, Suite 235, Lihue, Hawaii 96766.

Missouri .....	Greene County .....	South Creek .....	Approximately 0.53 miles (2,800 feet) upstream of County Road 160.	*1,192	*1,193
			Approximately 1.16 miles (6,125 feet) upstream of County Road 160.	*1,208	*1,205
		Wilson Creek .....	Approximately 740 feet downstream of its Confluence with North Branch Wilson Creek.	*1,198	*1,198
			Approximately 0.69 miles (3650 feet) upstream of the U.S. Highway 160 Bypass.	*1,207	*1,206
		South Branch .....	At its confluence with South Creek .....	*1,169	*1,169
			Just downstream of Farm Road 141 (Cox Avenue).	None	*1,238
		Ward Branch .....	Approximately 130 feet downstream of its confluence with Yarbough Creek.	*1,176	*1,176
			Approximately 350 feet upstream of Holland Avenue.	*1,213	*1,207
		Mount Pleasant Branch ....	Just downstream of U.S. Highway 160 ....	*1,182	*1,207
			Approximately 200 feet upstream of U.S. Highway 160.	*1,184	*1,182
		Farmer Branch .....	At its confluence with James River .....	*1,133	*1,1333
			Just downstream of Farm Road 194 .....	None	*1,85
		Pea Ridge Creek .....	At its confluence with South Dry Sac River.	None	*1,133
			Just downstream of Farm Road 151 .....	None	*1,190
		Dickerson Branch .....	At its confluence with Pea Ridge Creek ...	None	*1,113
			Just downstream of Farm Road 151 .....	None	*1,175
		South Dry Sac River .....	Approximately 300 feet upstream of its confluence with Little Sac River.	None	*1,156
			Approximately 670 feet upstream of Farm Road 151.	None	*1,091
		South Dry Sac River Tributary.	Approximately 800 feet upstream of its confluence with South Dry Sac River.	None	*1,138
			Approximately 1,620 feet upstream of Farm Road 167.	None	*1,200
		Ward Branch Tributary ....	At its confluence with Ward Branch .....	None	*1,253
			Approximately 260 feet upstream of Weaver Road (Farm Road 178).	None	*1,118
		Wilson Creek Tributary ....	At its confluence with Wilson Creek .....	None	*1,194
			Approximately 300 feet upstream of Highway M (Republic Road).	None	*1,145
		Wilson Creek Unmanned Tributary.	At its confluence with Wilson Creek .....	None	*1,241
			Just downstream of the San Francisco Railway.	None	*1,182
		Workman Branch .....	At its confluence with Ward Branch .....	None	*1,138
			Just downstream of Farm Road 145 .....	None	*1,195
		Yarborough Creek .....	Approximately 1,350 feet upstream of its confluence with Ward Branch.	None	*1,204
			Approximately 800 feet upstream of U.S. Highway 160.	None	*1,233

Depth in feet above ground

Maps are available for inspection at the Department of Public Works, City Hall, 625 Fifth Street, Spearfish, South Dakota.

Send Comments to The Honorable Jerry Krambeck, Mayor, City of Spearfish, Cith Hall, 625 Fifth Street, South Dakota 57783-2311.

Oregon .....	City of Salem .....	Shelton Ditch .....	At confluence with Pringle Creek .....	*148	*146
			Approximately 100 feet upstream of Diversion Structure at Mill Creek.	*188	*191
		Pringle Creek .....	At confluence with Williamette River (location shown as confluence of Shelton Ditch with Williamette River on effective Firm).	*143	*143
			At confluence of Pringle Creek and East Fork Pringle Creek.	*172	*174
		Middle Fork Pringle Creek	At confluence of Pringle Creek and East Fork Pringle Creek.	*172	*174

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet. (NGDV)	
				Existing	Modified
		East Fork Pringle Creek ...	Approximately 150 feet downstream of Interstate 5. At confluence with Pringle Creek and Middle Fork Pringle Creek.	*222 *172	*219 *174
		Mill Creek B .....	Approximately 150 feet downstream of Interstate 5. At confluence with Willamette River ..... Just upstream of Mission Street ..... Approximately 3,000 feet upstream of Penitentiary Annex Road.	*219 *141 *198 *253	*219 *141 *199 *254

Depth in feet above ground

Maps are available for inspection at the City of Salem, 555 Liberty Street SE, Salem, Oregon.

Send comments to The Honorable Michael Swain, Mayor, City of Salem, 555 Liberty Street SE, Room 230 Salem, Oregon 97301.

South Dakota .....	City of Spearfish, Lawrence County.	West Chipmunk Gulch .....	At confluence with Spearfish Creek .....  At 960 feet upstream of West Oliver Street.	*3,574 None	*3,574 *3,663
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# Depth in feet above ground

Maps are available for inspection at Department of Public Works, City Hall, 625 Fifth Street, Spearfish, South Dakota.

Send comments to The Honorable Jerry Krambeck, Major, City of Spearfish, City Hall, 625 Fifth Street, Spearfish, South Dakota 57783.

South Dakota .....	City of Hill City, Pennington County.	Spring Creek .....	At approximately 50 feet upstream of Hill City power line located at approximately 2,000 feet upstream of U.S. Highway 385 and 16. At approximately 1,400 feet upstream of Poplar Street and Bishop Mountain Avenue Intersection.	None None	*4,937 *5,013
		Newton Fork Creek .....	At Museum Drive ..... Approximately 1,900 feet upstream of Museum Drive.	None None	*4,967 *4,981

# Depth in feet above ground

Maps are available for inspection at the City Hall, 324 Main Street, Hill City, South Dakota.

Send comments to The Honorable Peter Stach, Mayor City of Hill City, City Hall, P.O. Box 395, Hill City, South Dakota 57745.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: January 29, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 02-2660 Filed 2-4-02; 8:45 am]

**BILLING CODE 6718-04-P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-D-7520]

### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the

communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472,

(202) 646-3461, or (email) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These